

FISCAL NOTE

HB 1823 - SB 1926

April 15, 1997

SUMMARY OF BILL: Creates the new offense of *criminal gang activity*, punished in addition to and one classification higher than a predicate offense; (2) creates the new offense of *aggravated criminal gang activity*, punished in addition to and two classifications higher than a predicate offense; (3) creates a new Class E felony for the *unauthorized use of another's property to facilitate a predicate offense*, to be served consecutively with any sentence for the underlying predicate offense; (4) creates a new Class D felony for *possession of a weapon during the commission of a felony drug offense*, to be served consecutively to any sentence for the drug offense and with no eligibility for alternative sentencing; (5) creates a new Class B felony of *unlawful discharge of a firearm from a vehicle*, with a provision for forfeiture of the vehicle; (6) creates a new Class A felony for *using intimidation or duress to force someone to be a gang member*, with a subsequent offense punished as a Class C felony; (8) creates a new offense of *engaging in violent criminal group activity*, punished one classification higher than the predicate offense; (9) creates a new aggravating factor for first degree murder that *the murder was committed while acting in concert with two or more other persons*.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$2,144,700/Incarceration*

Increase State Revenues - Not Significant

Estimate is based upon 5% of offenders, 25 years of age and under, from four major metropolitan counties for selected offenses usually associated with gang activity. A population of 81 offenders were identified and the appropriate additional penalty was applied based upon the predicate offense. Also, assumes some increase in revenues from forfeiture of property.

*Section 9-6-119, TCA, requires that: *For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

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